

REMARKS

Claims 1, 3 and 9-15 are currently pending. Claim 1 has been amended and claims 11-15 are newly presented for examination. No new matter has been added. Applicant respectfully requests reconsideration of the above-identified application in light of the above amendments and the following remarks.

Claim 1 has been amended to recite that the third cylindrical member is disposed within said straight portion of the tubular sleeve portion. Support for this amendment is found throughout the Specification and drawings, as filed, for example in Figures 1 and 2.

Support for newly presented claim 11 is found throughout the Specification and drawings, as filed, for example in Figures 1 and 2.

Support for newly presented claim 12 is found throughout the Specification and drawings, as filed, for example at page 5, paragraph 2, lines 7-9 (9/30/2002) and in Figure 1.

Support for newly presented claim 13 is found throughout the Specification and drawings, as filed, for example at page 5, paragraph 2, last sentence; page 14, paragraph 2, lines 4-6 (9/30/2002); and Figures 1 and 2.

Support for newly presented claim 14 is found throughout the Specification and drawings, as filed, for example at page 14, paragraph 4, lines 1-3 (9/30/2002) and in Figures 1 and 2.

Support for newly presented claim 15 is found throughout the Specification and drawings, as filed, for example at page 14, paragraph 4 (9/30/2002) and in Figure 3.

Objections to the Drawings

1. The Examiner has indicated that the drawings filed on September 30, 2002 have been approved, and that corrected drawings are now required. Applicant submits herewith formal versions of Figures 1 and 2, incorporating the changes proposed to the Examiner on September 30, 2002.

2. The drawings are objected to for not showing the features recited in claims 9 and 10. Applicants submit herewith, additional figures 4 and 5, showing the claimed subject matter of claims 9 and 10, respectively. No new matter has been added.

Claim Rejections Under 35 U.S.C. §112

3. Claims 9 and 10 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action argues that the Specification as originally filed, "does not appear to disclose the 'second and third cylindrical members are formed as one piece' recited in claim 9 and the 'third and fourth cylindrical members are formed as one piece' recited in claim 10." See Office Action at page 3, paragraph No. 6. Upon first introducing claims 9 and 10, Applicant cited page 15, lines 3-8 (of the Substitute Specification filed 9/30/2002, which corresponds to the originally filed Specification (July 20, 2001) at page 20, paragraph 3) as providing support for the claimed subject matter thereof. See Amendment After Final Rejection, filed May 8, 2003.

Applicants maintain that support for the claimed subject matter is found at the cited point in the Specification, which reads:

In Fig. 1, the third cylindrical member 17, having the support portion 172, may be integrally formed as an enlarged-diameter upper-end of the second cylindrical

member 16 or as an enlarged-diameter lower-end of the fourth cylindrical member 35. In this case, the enlarged diameter portion of the second cylindrical member 16 or the enlarged diameter portion of the fourth cylindrical member 35 serves also as the support portion for support with respect to the sleeve body 18.

Applicant believes, therefore, that the claimed subject matter is provided clear support in the Specification, as originally filed. For at least this reason, Applicant respectfully requests the rejection of claims 9 and 10, under 35 U.S.C. §112, as allegedly failing to comply with the written description requirement, to be withdrawn.

Claim Rejections Under 35 U.S.C. §102

4. Claims 1, 3 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,007,000 to DeLuca (“DeLuca”). Applicant respectfully traverses this rejection.

Claim 1, as amended, recites a fuel injector comprising “a nozzle body having a needle valve for opening and closing an injection port, and a tubular sleeve portion having a straight portion with a constant inner diameter...[and] a third cylindrical member disposed within said straight portion of the tubular sleeve portion, wherein said second cylindrical member abuts and is on an injection port side of said third cylindrical member and said third cylindrical member is a separating plate....”

The Office Action, points to elements 6,8 as the “third cylindrical members.” See Office Action at page 4. However, DeLuca describes element 6 as a “check valve cage” and element 8 as a “spring cage.” See DeLuca, column 6, lines 62-63. Only element 18 is described as a “plate.” See DeLuca, column 3, line 6. In contrast to amended claim 1, however, DeLuca

describes an injector nozzle in which a plate (18) having tapered edges and a non-constant outer diameter, sits in a portion of a housing nut (21) that has a matching tapered profile and non-constant inner diameter. That is, DeLuca does not teach or suggest a fuel injector having a tubular sleeve portion having a straight portion with a constant inner diameter and "a third cylindrical member disposed within said straight portion of the tubular sleeve portion, wherein ... said third cylindrical member is a separating plate," as recited in amended claim 1.

For at least the above reasons, claim 1 defines patentable subject matter over DeLuca. Claims 3 and 9 depend from claim 1, and thus also define patentable subject matter over DeLuca.

Applicant respectfully requests the rejection of claims 1, 3 and 9 under 35 U.S.C. §102(b) as being anticipated by DeLuca to be withdrawn.

Claim Rejections Under 35 U.S.C. §103

5. Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over DeLuca. Applicant respectfully traverses this rejection.

The deficiencies of DeLuca in teaching or suggesting each and every feature of claim 1 have been set forth above. Claim 10 depends from claim 1, and therefore incorporates each and every feature of that claim. Since claim 1 defines patentable subject matter over DeLuca, so too does claim 10.

For at least the above reasons, applicant respectfully requests the rejection of claims 10 under 35 U.S.C. §103(a) as being unpatentable over DeLuca to be withdrawn.

Amendment dated November 18, 2003

Reply to Notice of Non-Compliant Amendment dated 11/4/03

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits that all claims, as currently presented, are patentable, and that this application is in condition for allowance.

Respectfully submitted,
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